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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,818	03/21/2000	Christopher R Hammond	13DV13576	7281

			EXAMINER
30540	7590	05/03/2004	JARRETT, RYAN A

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ART UNIT	PAPER NUMBER
2125	17

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 April 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments have been fully considered, however, they are not persuasive. Applicant has added the following new limitation to claim 1: "causing an input screen to be displayed at said second location to collect information about said recommended process sequence of steps for performing said process". Sebastian teaches this feature. For example, Sebastian discloses, "The user inputs commands at an input device **35**. The commands can be, for example, text strings and mouse location references" (col. 17 lines 63-65). Additionally, Sebastian discloses, "Instructions can also be entered using GUI commands, via, for example, a mouse..." (col. 22 lines 7-10).

Secondly, Applicant agrees that Sebastian teaches receiving a request (or instructions) over a network. However, Applicant then argues that the design generated by the CPU of Sebastian is not conveyed back to the remote location where the request originated. Examiner respectfully disagrees with this argument and asserts that the input device **35** and output device **36** are at the same location (e.g., a personal computer) and used by a single operator. For example, Sebastian discloses in col. 11 lines 1-21, "The user interface of the present invention enables intelligent 'conversations' to take place between the modules and the user via the input device **35** and output device **36**." Additionally, referring to col. 22 line 1 – col. 23 line 44, Sebastian discloses, "The user specifies the parameters for the boss such as dimensions and positioning information." Sebastian then discloses, "Depending on the constraint evaluation

results, the user is notified through one of the following mechanisms: warning messages, error messages and design change recommendations."

Finally, Applicant argues that Sebastian does not disclose a decision tree. However, the decision tree is comprised by the expert system of Sebastian (e.g. col. 5 lines 57-67, col. 7 lines 45-55, col. 9 lines 20-45, col. 10 lines 8-21).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-10, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sebastian U.S. Patent No. 5,552,995. Referring to Claims 1 and 10, Sebastian discloses a method for distributing information concerning recommended steps for performing a process (e.g., col. 17 lines 51-55), comprising:

using a computer network to receive at a first location a request for a recommended process sequence of steps for performing a process, said request originating at a second location that is remote from said first location (e.g., col. 11 lines 3-5, col. 22 line 1 – col. 23 line 40);

causing an input screen to be displayed at said second location to collect information about said recommended process sequence of steps for performing said process (e.g., col. 17 lines 63-65, col. 22 lines 5-10);

processing, at said first location, said request to produce said recommended process sequence of steps for performing said process (e.g., col. 5 lines 9-26, col. 11 lines 15-27, col. 22 line 1 – col. 23 line 40); and

using said computer network to convey from said first location to said second location a response that includes said recommended process sequence of steps for performing said process (e.g., col. 11 lines 5-14, col. 22 line 1 – col. 23 line 40).

Referring to Claim 2, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a decision tree for use in determining said recommended process sequence of steps (e.g., Fig. 8, col. 20 lines 52-53).

Referring to Claim 3, Sebastian discloses the method as claimed in Claim 2, wherein: said decision tree includes a decision node that, based upon a decision, is used determine if a first sequence of steps or a second sequence of steps is part of said recommended process sequence of steps (e.g., col. 5 lines 57-67, col. 7 lines 45-55, col. 9 lines 20-45, col. 10 lines 8-21, col. 20 lines 52-53).

Referring to Claim 4, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a notes tree for providing error proofing directions for said recommended process sequence of steps in said response (e.g., col. 22 lines 41-52).

Referring to Claim 5, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a notes tree for providing best

practices directions for said recommended process sequence of steps in said response (e.g., col. 22 lines 41-52).

Referring to Claim 6, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes using a tree structure that is in the form a spreadsheet (e.g., col. 18 lines 22-30).

Referring to Claim 7, Sebastian discloses the method as claimed in Claim 1, wherein: said processing includes calculating a value associated with a step of said recommended process sequence of steps (e.g., col.11 lines 33-49).

Referring to Claim 8, Sebastian discloses the method as claimed in Claim 7, wherein: said calculating includes using a data file (e.g., col. 11 lines 28-32).

Referring to Claim 9, Sebastian discloses the method as claimed in Claim 7, wherein: said calculating includes using a data file that is in the form of a spreadsheet (e.g., col. 18 lines 22-30).

Referring to Claim 13, Sebastian discloses the method as claimed in Claim 10, wherein: said first conveying includes conveying said request in the form of a spreadsheet (e.g., col. 18 lines 22-30).

Referring to Claim 14, Sebastian discloses the method as claimed in Claim 10, wherein: said second conveying includes conveying said response in the form of a spreadsheet (e.g., col. 18 lines 22-30).

Referring to Claim 15, Sebastian discloses the method as claimed in Claim 10, wherein: said second conveying includes conveying said recommended process sequence of steps in the form of a spreadsheet (e.g., col. 18 lines 22-30).

Referring to Claim 16, Sebastian discloses a method for providing information concerning recommended steps for performing a process, comprising the steps of (e.g., col. 17 lines 51-55):

providing, in a computer memory, a decision tree having at least two possible sequences of steps for performing a process (e.g., col. 5 lines 57-67, col. 7 lines 45-55, col. 9 lines 20-45, col. 10 lines 8-21, col. 11 lines 28-32, col. 20 lines 52-53);

receiving a request, originating from a computer input device, for a recommended process sequence of steps for performing said process, said request including information for use in determining a recommended process sequence of steps from said at least two possible sequences in said decision tree (e.g., col. 11 lines 3-5);

using, in a digital computer, said request and said decision tree to determine a recommended process sequence of steps for performing said process of a product (e.g., col. 9 lines 20-38, col. 11 lines 11-27, col. 16 lines 65-67, and col. 17 lines 1-9); and

transmitting said recommended process sequence of steps towards a computer output device (e.g., col. 11 lines 5-14).

Referring to Claim 17, Sebastian discloses the method as claimed in Claim 16, further comprising: permitting an expert to modify said decision tree (e.g., col. 13 lines 45-46, and col. 22 lines 58-60).

Referring to Claim 18, Sebastian discloses the method as claimed in Claim 16, further comprising: receiving said decision tree from a remote location relative to said digital computer (e.g., col. 5 lines 39-43, col. 11 lines 15-21).

Referring to Claim 19, Sebastian discloses the method as claimed in Claim 16, wherein: said step of receiving includes conveying said request over a computer network (e.g., col. 11 lines 3-5).

Referring to Claim 20, Sebastian discloses the method as claimed in Claim 16, wherein: said step of transmitting includes conveying said recommended process sequence of steps over a computer network (e.g., col. 11 lines 15-21).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebastian. Sebastian discloses the method as claimed in Claim 10, but does not specify whether or not the network includes the World Wide Web and does not specify if the network is provided using a local area network or a wide area network. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the World Wide Web in the network of Sebastian since it is commonly used in network configurations, and it would have been obvious to use either a local area
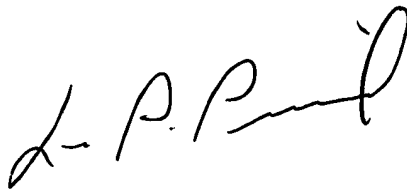
network or a wide area network since they are commonly used network configurations.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

4/26/04

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100